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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,258	11/13/2000	Georg Siegl	Q-61663	3625

7590 08/03/2005

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2100 Pennsylvania Avenue NW  
Washington, DC 20037-3202

EXAMINER
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RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/700,258

Applicant(s)

SIEGL, GEORG

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 and 30-35 is/are allowed.
- 6) ☒ Claim(s) 19, 20, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 25-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on Jan 7, 2005 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. No proper antecedent is found in the claim for "said first, second and third holes". It is believed that this claim was meant to depend from claim 36 not claim 23. For the purpose of this rejection, claim 37 is being treated as depending from claim 36.

***Claim Rejections - 35 USC § 103***

Claims 19, 20, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunstler (DE 9301769) in view of Chanteur (FR 2754929) and Cienkus, Jr. et al. (US 5518333).

As defined in former Office Actions, the patent to Kunstler discloses a presentation device comprising a base (4), a flexible stand composed of flexible uprights (1) plugged into the base with a transverse strut (3) connecting the uprights together, and a holding means (2) for holding a presentation carrier (6) between the stand and the base. Kunstler further discloses the base composed of an elongated cross-member (5) and two receptacles (7) into which are plugged the lower end portions of the upright flexible bars (please see Fig 1), the boxes of the receptacles extending obliquely to the vertical direction and parallel to a plane perpendicular to the longitudinal axis of the cross-member (please see Fig 3).

Kunstler does not teach the presentation device having two, or more transverse struts. However, it would have been obvious to one skilled in the art at the time the invention was made to have modified Kunstler by providing another transverse strut to provide additional stability and strength to the presentation device. The addition of said second strut would have given the presentation device a double-H shape.

Kunstler does not teach the uprights composed of several flexible bars joined together, of the use of T-shaped plug connectors to connect the transverse struts to the respective ends of the flexible bars.

Chanteur discloses a display unit (Fig 1) including an upright composed of several flexible bars (23, 24, 25) plugged together. It would have been obvious to one skilled in the art at the time the invention was made to have modified Kunstler by making the uprights out of several flexible bars as taught by Chanteur to allow the device to be broken down into a smaller bundle for easier storage.

Cienkus, Jr. et al. discloses the use of a T-connector (12) for interconnecting elongated elements (14). Joining the flexible bars one to another using a T-shaped connector as taught by Chanteur would also have been obvious to one of ordinary skill in order that one connector allow both connections of the individual flexible bars to form uprights as well as attachment of the transverse struts to the uprights, facilitating the connections of elements comprising the display unit.

#### ***Allowable Subject Matter***

Claims 21-24, and 30-35 are allowed.

Claims 25-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. The Board on its decision render that Chanteur did teach a

T-shaped connector interconnecting bars to uprights. However, the new discovered reference to Cienkus, Jr. et al. clearly teaches that.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyle et al. (US 5640811) and Hagenlocher (US 6056240) disclose the use of connectors of different shapes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

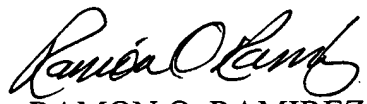
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI, can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

ROR  
August 2, 2005

  
RAMON O. RAMIREZ  
Primary Examiner  
Art Unit 3632